

1 your testimony, if you want to look at the end of page 4,  
2 you say that "I," you personally "are committed to ensuring  
3 candid and truthful dealing with the FCC."

4 How do you make yourself sure that what's been  
5 filed with the FCC is candid and truthful if you don't  
6 review it?

7 A Well, I'm basing that on the meetings that we have  
8 had. For example, we have a meeting, they discuss with **us**  
9 things that need to be discussed with the partnership, and  
10 we have to vote on something.

11 Q Well, you don't know that what's been submitted to  
12 the Commission is truthful and candid, right?

13 A No, I don't, but I rely on them as let's say my  
14 management team. In other words, like I'm really kind of a  
15 side person in the sense I do rely on them. And based on  
16 what I know of them, and what has been discussed, that it's  
17 truthful.

18 Q Okay, you are relying on them now just as you  
19 relied upon them earlier when they were supervising Mr.  
20 Kane?

21 A Yes.

22 MR. EVANS: **All** right, thank you. I don't have  
23 anything else.

24 JUDGE STEINBERG: Any redirect?

25 MR. HILL: Yes, Your Honor, a few questions.

## REDIRECT EXAMINATION

BY MR. HILL:

Q Mr. Malanga, do you remember attending a meeting in our office in May of this year in which we discussed, among other things, some outstanding discovery request from the FCC?

A Yes.

Q Now you indicated in response to a question from Bureau counsel that -- I'm paraphrasing it -- in your opinion, Alee had done no -- had not misrepresented or lacked candor in its dealing with the Algleg proceeding; is that correct? That's your personal opinion?

A Yes.

Q Now, notwithstanding that opinion, but you have accepted -- you personally have accepted responsibility for that decision?

A Yes.

Q And you understand --

MS. LANCASTER: Objection; leading, Your Honor. This is his witness.

JUDGE STEINBERG: Don't say "you understand". You can ask it as a question. It's a lot harder to ask that when --

MR. HILL: Yes, it is.

(Laughter.)

1 MR. HILL: One minute, Your Honor. You have made  
2 me rethink my question here.

3 JUDGE STEINBERG: It's all Ms. Lancaster's fault.

4 BY MR. HILL:

5 Q In your understanding of the Algreg adverse  
6 findings, are those -- was a misrepresentation, lack of  
7 candor a serious matter before the FCC?

8 A Yes, it is.

9 Q Now, you talked about a high price that's been  
10 paid for Alee's transgressions in the Algreg proceeding.  
11 Did that include anything other than monetary  
12 considerations?

13 A Yes.

14 Q Would you elaborate just a little bit?

15 A Well, I think just the anxiety of it all has taken  
16 its toll on many of us, especially our executive committee.

17 MR. HILL: No other questions.

18 MS. LANCASTER: Could I ask one follow-up  
19 question? I always say one.

20 RE-CROSS-EXAMINATION

21 BY MS. LANCASTER:

22 Q You have indicated, Mr. Malanga, that you trust  
23 the executive committee now, and that you trusted the  
24 executive committee back in 1988, 1990, 1991, you  
25 continually trusted the judgment and leadership of the

1 executive committee, my understanding of your testimony; is  
2 that correct?

- 3 A Yes.

4 Q Did you also trust Mr. Kane?

5 A At the time when we were dealing with him, yes.

6 Q When did you first begin to distrust Mr. Kane?

7 A I think we -- and I can't say directly that -- it  
8 goes back to the question, but the distrust started to come  
9 when we were not being informed of -- not me personally, I  
10 didn't feel this way, so maybe I shouldn't --

11 Q Well, I want to know when you personally started  
12 to distrust Mr. Kane.

13 JUDGE STEINBERG: If ever.

14 MS. LANCASTER: If ever, right.

15 THE WITNESS: Yeah, I can't say if ever  
16 necessarily.

17 BY MS. LANCASTER:

18 Q You always --

19 A Because I relied on what he told us.

20 Q Right. You trusted him --

21 A Right.

22 Q -- all the time?

23 A Right.

24 Q How about Mr. Franklin, did you ever distrust Mr.  
25 Franklin?

1 A No.

2 Q When you talked about Mr. Jones having to keep  
3 tabs on Altell and correct Altell, what did he correct  
4 Altell about?

5 A As I remember, this is through phone conversation  
6 or meetings, that there was times when they owed us money  
7 from roaming fees, things of that nature.

8 Q So Mr. Jones is primarily responsible to the  
9 partnership for its financial matters.

10 A Yes.

11 Q Is that correct?

12 A Yes.

13 Q So basically what he did was make sure that they  
14 didn't cheat you out of money that they owed; is that right?

15 A I don't know if you would put it in those words,  
16 but yes. Yes.

17 Q Is that kind of the bottom line?

18 A Yeah, I guess so. Yes.

19 Q He hasn't corrected Altell about any other matters  
20 that you are aware of, has he?

21 A Not specifically, no; not that I'm aware of.

22 MS. LANCASTER: I have no further questions.

23 JUDGE STEINBERG: Okay. You are done -- no more?

24 MR. HILL: That did not open up any questions for  
25 me.

1 JUDGE STEINBERG: Okay, you are excused, and I  
2 want to thank you --

3 THE WITNESS: Thank you.

4 JUDGE STEINBERG: -- for coming and testifying.  
5 And you know, I would suggest that you take the rest of the  
6 day in Washington and enjoy the city, do some shopping, and  
7 support the economy.

8 THE WITNESS: Walk zig-zag.

9 JUDGE STEINBERG: Walk zig-zag, and get gas before  
10 you leave.

11 (Laughter.)

12 JUDGE STEINBERG: Okay.

13 THE WITNESS: Thank you.

14 (Witness excused.)

15 JUDGE STEINBERG: Okay, we will go **off** the record  
16 now.

17 (Whereupon, a short recess was taken.)

18 JUDGE STEINBERG: Back on the record.

19 Mr. Hill?

20 MR. HILL: I call Mr. Di Costanzo, Your Honor. He  
21 will take the stand.

22 JUDGE STEINBERG: And before you s t down, would  
23 you raise your right hand, please?

24 Whereupon,

25 VINCENT DI COSTANZO

1           having been duly sworn, was called as a witness  
2   and was examined and testified as follows:

3           JUDGE STEINBERG: Please be seated.

4                         DIRECT EXAMINATION

5           BY MR. HILL:

6           Q    Could you please give us your name for the record,  
7   please, and spell your last name?

8           A    Vincent Di Costanzo, D-I-C-O-S-T-A-N-Z-O.

9           MR. HILL: Your Honor, I would ask that the  
10   written direct testimony of Vincent Di Costanzo, consisting  
11   of five pages, be identified as Alee Exhibit 5.

12           JUDGE STEINBERG: Okay. We are leaving off the  
13   declaration page?

14           MR. HILL: We are leaving off the declaration  
15   page.

16           JUDGE STEINBERG: Okay. **So** that becomes a five-  
17   page exh bit, and that will be?

18           MR. HILL: Alee Exhibit 5.

19           JUDGE STEINBERG: Marked for identification as  
20   Alee Exh bit 5.

21                                 (The document referred to was  
22                                 marked for identification as  
23                                 Alee Exhibit No. 5.)

24           BY MR. HILL:

25           Q    Mr. Di Costanzo, do you have Alee Exhibit 5 in

1 front of you?

2 A Yes, I do.

3 Q Was that prepared under your supervision?

4 A Yes, it was.

5 Q Are there any corrections to the testimony?

6 A No, there are not.

7 Q Is it true and correct to the best of your  
8 knowledge?

9 A Yes, it is.

10 MR. HILL: Your Honor, I move the introduction of  
11 Alee Exhibit No. 5.

12 JUDGE STEINBERG: Ms. Lancaster?

13 MS. LANCASTER: Mr. De Jesus.

14 JUDGE STEINBERG: Mr. De Jesus?

15 MR. HILL: Again, I have given the court reporter  
16 two copies.

17 VOIR DIRE EXAMINATION

18 BY MR. DE JESUS:

19 Q Mr. Di Costanzo, my name is --

20 MR. DE JESUS: May I voir dire the witness, Your  
21 Honor?

22 JUDGE STEINBERG: Yes.

23 BY MR. DE JESUS:

24 Q Mr. Di Costanzo?

25 A Yes.

1           Q     Okay. My name is Gilberto De Jesus, and I am an  
2 attorney with the Investigations and Hearings Division.  
3 Seated to my left is Ms. Judy Lancaster, who is also an  
4 attorney with the Investigations and Hearings Division of  
5 the Federal Communications Commission, Enforcement Bureau.  
6 I have a few questions to ask you regarding your statement.

7                     When your statement was prepared, did you have any  
8 assistance preparing it or are these your words exactly?

9           A     These are my words.

10          Q     Okay. Did you have occasion to discuss this  
11 statement with anyone else?

12          A     No, sir.

13          Q     And you never discussed this statement with any of  
14 the other partners?

15          A     You mean upon my preparing it?

16          Q     Yes.

17          A     No.

18          Q     Okay. Did you have occasion to discuss this  
19 statement with your counsel?

20          A     Subsequent to its preparation, after it had been  
21 finalized.

22          Q     Okay.

23          A     You know what, hold on. They asked me - I typed  
24 it up. Then it was retyped and I was asked to confirm that  
25 it was accurate.

1 Q Okay.

2 A So if that's a discussion, well, then I actually  
3 had discussed it then.

4 Q When you were preparing the statement, did you  
5 have an outline on how to put it together?

6 A Outline, no. We had questions to answer.

7 Q Okay. And where did you get these questions to  
8 answer?

9 A From Mr. Hill.

10 Q Okay.

11 A May I just add --

12 Q Yes.

13 A -- a comment here?

14 Yeah, I'm a little nervous but I stutter, so I am  
15 not, you know, hiding anything; that's just me. I just  
16 wanted to be known.

17 Q Now, I would like to draw your attention to page  
18 3, line -- I believe it's line 5 where it says, "Answer: I  
19 have always rejected the thought that Alee intentionally  
20 misrepresented and/or lacked candor in our dealings with the  
21 FCC. While the partnership must accept responsibility for  
22 its action, the partnership never set out deliberately to  
23 misrepresent or deceive the Commission in any respect. In  
24 all of my dealings with my fellow partners since the  
25 inception of the partnership in 1988, we have always tried

1 to make sure that all partnership activities were in  
2 compliance with the FCC rules and policies." That's at the  
3 end of the paragraph 11.

4 A Yes.

5 Q That's essentially what you wrote; isn't that  
6 correct?

7 A Yes

8 Q Okay. Now, I would like to draw your attention --  
9 what's the basis of your statement here, sir, this  
10 statement?

11 A The key words here are "intentionally". We were  
12 perhaps naive in following -- in instruction of our then  
13 manager. I don't even want to say --

14 JUDGE STEINBERG: Say his name **so** we are all  
15 clear.

16 THE WITNESS: Oh, that would be Allan Kane. Not  
17 so much his instructions, but his advice. That's my basis  
18 for this whole thing. We didn't intentionally set out to  
19 misrepresent anything.

20 BY MR. DE JESUS:

21 Q When you say "we," clearly you are referring to?

22 A Our partnership.

23 Q Okay. **So** you had occasion to discuss these  
24 matters with them, haven't you?

25 A I have had occasion.

1           Q     Now, I would like to refer your attention to page  
2     4 where you say, "I am very proud of the partnership. I am  
3     even more proud of our executive leadership, specifically  
4     Bob Bernstein, Becky Jo Clark and Terry Jones. These three  
5     individuals did a spectacular job under unsurmountable odds,  
6     and while doing so a great personal time and cost, did so in  
7     an extremely professional manner. At absolutely no time  
8     since we fired Alan Kane did I feel that I was not fully  
9     informed and represented. There were no more moves made  
10    without our knowledge and consent, and at all times our  
11    partnership interests were well represented and/or defended.  
12    This attitude and approach will ensure that Alee in its  
13    dealings with the FCC can be relied upon to follow the rules  
14    and to serve the public by building out an operating a  
15    cellular telephone system in Texas 21 market."

16               Now, how do you arrive at this, sir? What's the  
17    basis of this?

18           A     My basis is that despite all of the odds against  
19    us in our fight to maintain our license, these guys have  
20    pursued on our behalf not only the original build-out of our  
21    system, but also our expansion of it and its upgrade, and  
22    they have done so consistently throughout all of these ups  
23    and downs and trials and decisions.

24           Q     Let me ask you, when **you** say that their work --  
25    just a second.

1 (Pause.)

2 BY MR. DE JESUS:

3 Q Now you say you were at no time -- you say you  
4 were at no time -- you were always informed by them; is that  
5 correct?

6 A That's correct.

7 Q Okay. Now, I would like to draw your attention to  
8 the memorandum, opinion and order, hearing designation order  
9 which was filed on -- released on February 22, 2002, which  
10 is the basis of the hearing we are having here today.

11 Now in that hearing designation order, quoting  
12 from the Algleg case, it states, "The failure to fully  
13 disclose the facts involving Sharifan's participation in a  
14 timely manner, together with Bernstein's dubious testimony  
15 on this matter, significantly undercuts the claim that the  
16 voluntary reporting of these matters belies any intent to  
17 deceive the Commission."

18 Now you say that you have been fully informed.  
19 Clearly the hearing designation order, a ruling by this  
20 Commission finds that Mr. Bernstein at best has been less  
21 than candid.

22 And it's your position that he has been candid  
23 with the Commission?

24 A Yes.

25 Q How so?

1           A     I feel that all of these findings stemmed from an  
2     incident, single incident during a period when our  
3     partnership was under previous and different management.

4           JUDGE STEINBERG: Let me just say we are crossing,  
5     this is not voir dire. This is cross-examination, and I'm  
6     going to -- I hate to cut you off, but I am going to cut you  
7     off. If you have any questions about how this document,  
8     Alee Exhibit 5, came into existence, now is the time to ask  
9     it. And if the question doesn't go to that, then you are  
10    going to have to pass to Mr. Evans who may have -- well, you  
11    haven't objected or not objected yet.

12          MR. DE JESUS: Well, Your Honor, I object. I  
13    object to the portion that deals with having done a superb  
14    job. I believe that --

15          JUDGE STEINBERG: Well, you have all the right in  
16    the world to cross-examine on that, but these are this  
17    witness's testimony and these are his words. And **so** if  
18    that's the objection, it's overruled. You are talking about  
19    page 4, lines 10 through 20, right?

20          MR. DE JESUS: Yes, Your Honor.

21          JUDGE STEINBERG: Okay, so that's overruled.

22          MR. DE JESUS: Okay.

23          JUDGE STEINBERG: Any other objections to this  
24    exhibit? You don't have to stand up. You have to do that  
25    in real court. This is pretend court.

1 (Laughter.)

2 JUDGE STEINBERG: You can laugh too. That's okay.

3 MR. DE JESUS: Your Honor, my only point -- my  
4 only point --

5 JUDGE STEINBERG: No, if you wanted --

6 (Laughter.)

7 JUDGE STEINBERG: Let's go off the record.

8 (Discussion held off the record.)

9 JUDGE STEINBERG: Back on the record.

10 MR. DE JESUS: The only position of the Commission  
11 would be that insofar as he can make reference to his own  
12 point of view, that's appropriate. However, scattered  
13 throughout the course of his written testimony are  
14 references to "we". We would ask that where "we" appears  
15 that be eliminated just to refer to his opinion and his  
16 opinion only, and not the opinion **of** the partnership since  
17 he cannot know what's in the mind of the other partners.

18 JUDGE STEINBERG: Well, let's just ask.

19 Throughout this document, Alee Exhibit 5, you use  
20 the word "we", and in your mind "we" refers to the  
21 partnership; is that correct?

22 THE WITNESS: Yes.

23 JUDGE STEINBERG: But do you have any personal  
24 knowledge of what's inside the brains of the other partners?

25 THE WITNESS: No, sir, I don't.

1 JUDGE STEINBERG: Okay. So when you say "we"  
2 here, you really mean to be referring to "I"?

3 THE WITNESS: Yes, I do.

4 JUDGE STEINBERG: So that whatever words you have  
5 in this document are your own personal opinion?

6 THE WITNESS: Yes, sir.

7 JUDGE STEINBERG: Like when you say on the bottom  
8 of page 3, last line, "We have learned a hard lesson," you  
9 would have no objection to me reading that or anyone else  
10 from reading that as, "I have learned a hard lesson"?

11 THE WITNESS: This is -- yes, true. And also  
12 anywhere where I have "our" --

13 JUDGE STEINBERG: Right.

14 THE WITNESS: -- you can also say "my".

15 JUDGE STEINBERG: Okay. That's the way I read  
16 these things, but it's better to have it out of the  
17 witness's mouth that this is what his intention was.

18 THE WITNESS: Of course.

19 JUDGE STEINBERG: Do you have any other  
20 objections, Mr. De Jesus?

21 THE WITNESS: No, Your Honor.

22 JUDGE STEINBERG: Okay, Mr. Evans?

23 MR. EVANS: Mr. Quianzon will be handling this  
24 witness.

25 JUDGE STEINBERG: Mr. Quianzon, is that

1 pronunciation correct?

2 MR. QUIANZON: Yes, Quianzon.

- 3 Our objection would be page 3, the answer provided  
4 at lines 5 and 6, which is in essence because it is a re-  
5 litigation of the decision that the Commission already  
6 reached in Algreg.

7 JUDGE STEINBERG: Okay, I'm going to overrule that  
8 for the same reasons I did, and I actually thought of --  
9 well, I'm not going to say what I thought. I thought of  
10 something you guys haven't thought of, and if I was you  
11 guys, I would want that in there.

12 MR. QUIANZON: And then additionally we would --

- 13 JUDGE STEINBERG: Yes, I would want that stuff in  
14 there, in all of them. But then I might be saying that just  
15 to give you something to worry about.

16 (Laughter.)

17 JUDGE STEINBERG: Okay. Any other objections?

18 MR. QUIANZON: And the other objection will be on  
19 page 3, line 17 through 19, indicating again an attempt to  
20 re-litigate the findings in the Algreg.

21 JUDGE STEINBERG: Okay, I'm going to overrule  
22 that. That's background basically. And this is just  
23 personal opinion, his personal opinion is everyone did a  
24 great job and everyone has been totally above board with the  
25 Commission. That is your opinion; is that correct?

1 THE WITNESS: That is my opinion, yes.

2 JUDGE STEINBERG: And that was your opinion --  
3 it's your opinion today, as you are sitting here today?

4 THE WITNESS: And yesterday and tomorrow; yes,  
5 sir.

6 JUDGE STEINBERG: Okay. Well, you know, nobody  
7 knows what is going to happen tomorrow, so maybe you ought  
8 to back **off** from that one.

9 Okay, but as of today, you stand by your statement  
10 here?

11 THE WITNESS: Yes, I do.

12 MR. QUIANZON: No further objection.

13 JUDGE STEINBERG: Okay. Alee Exhibit 6 is  
14 received.

15 MR. HILL: Alee 5, Your Honor.

16 JUDGE STEINBERG: I apologize. Alee 5 is  
17 received. Thank you.

18 (The document referred to,  
19 previously identified as Alee  
20 Exhibit No. 5, was received in  
21 evidence.)

22 JUDGE STEINBERG: Now, Mr. Di Costanzo is  
23 available for cross.

24 MR. HILL: Cross-examination.

25 JUDGE STEINBERG: All right, now you can get back

1 into where you were headed, if you want to.

2 CROSS-EXAMINATION

- 3 BY MR. DE JESUS:

4 Q Hello again.

5 I would like to again refer to page 3 where my  
6 question originally was, I was reading from the -- I was  
7 quoting from the Algreg case, and in the hearing designation  
8 order, we said, or the Commission said, "The failure to  
9 fully disclose the facts involving Sharifan's participation  
10 in a timely manner, together with Bernstein's dubious  
11 testimony on this matter, significantly undercuts the claim  
12 that the voluntary reporting of these matters belies any  
13 intent to deceive the Commission."

14 Now, with reference to that, sir, obviously I draw  
15 you back again to your testimony, your written testimony  
16 where you say, "I have always rejected the thought that Alee  
17 intentionally misrepresented and/or lacked candor."

18 Now, just to give you a -- my question essentially  
19 is this. Your petition, your application was filed on  
20 August 12, 1998. On September 23, 1988, Sharifan's interest  
21 is transferred to another individual by the name of Omar  
22 Sharif. After you win the license, it takes Alee a whole  
23 year after that to tell us that they had had a change of  
24 partnership.

25 Now, why did it take so long, sir?

1           A     My understanding of it is that we did not know who  
2     our alien was. Allan Kane came to us and said we had an  
3     alien issue. Who it is **is** not important, and it has been  
4     taken care of.

5           Q     Okay, and what --

6                 JUDGE STEINBERG: Did you say "Allan"?

7                 THE WITNESS: Allan Kane.

8                 JUDGE STEINBERG: Okay.

9                 THE WITNESS: Yes.

10                BY MR. DE JESUS:

11           Q     Okay. Now, clearly you are aware of the fact that  
12     if the Commission at the time had known that **you** had an  
13     alien, that would have completely disqualified **you** from  
14     bidding on -- from participating in the licensing process.

15           A     Say that again, please. I'm sorry.

16           Q     If the Commission had known that Mr. Sharifan was  
17     an alien, it would have completely disqualified Alee.

18           A     At the time I did not know that.

19           Q     Now, the FCC filing at the time was being  
20     discussed with you, wasn't it, sir, and the other partners?

21           A     The FCC filing?

22           Q     This particular filing had been discussed with  
23     you. You had been apprised of the fact that there was an  
24     alien at the time, correct?

25                 MR. HILL: Objection. I mean, I don't understand

1 what time you are talking about.

2 JUDGE STEINBERG: Sustained. And we talk about

- 3 this filing, this. You have to ask -- give a specific time  
4 frame and give a specific type of filing.

5 MR. DE JESUS: Okay.

6 BY MR. DE JESUS:

7 Q When did it come to your attention that you had an  
8 alien who was part of this process, part of this  
9 partnership?

10 A I don't recall exactly. I believe -- I don't  
11 recall exactly.

12 Q Okay. But it's safe to say that you were aware of  
13 this before you got the license, correct?

14 A Before we got the license. Yes. Yeah, I think  
15 that's safe to say.

16 Q Okay, so you knew that before we even -- before  
17 you were even granted the license that you had an alien on  
18 board, correct?

19 A Not **so**. I was aware that we had an alien issue,  
20 and that that issue had been taken care of. That's my --

21 Q What do you mean by alien issue?

22 A That we had someone who may have possibly  
23 misrepresented himself on his application, but that it had  
24 been taken care of.

25 Q Okay.

1 A Whatever "that" means, I --

2 Q And who provided this information **to** you, sir?

- 3 A That would be Allan Kane.

4 Q Okay. Now when Mr. Allan Kane told you that this  
5 had been taken care, did he discuss how it was taken care  
6 of?

7 A No, sir.

8 Q Okay. When documents were filed with the Federal  
9 Communications Commission, were these documents discussed  
10 with you, with the partnership?

11 A I don't recall.

12 Q When documents are filed now with the Commission,  
13 are these documents discussed with you?

14 A Yes.

15 Q Okay. Give me an example, sir.

16 A Give me an example.

17 We recently filed for a STA, it's a --

18 Q What's an STA?

19 A I'm trying **to** think of it. It's a temporary -- my  
20 goodness.

21 Q Is it **a** request for stay?

22 A No, it's --

23 JUDGE STEINBERG: No, let the witness think it  
24 through.

25 THE WITNESS: Yeah, it's -- it's an acronym that I

1 am just not coming up with.

2 JUDGE STEINBERG: What's the effect of the  
- 3 acronym?

4 BY MR. DE JESUS:

5 Q What was it for?

6 A Our license was recently revoked, and we asked  
7 that we be granted some kind of extensions, STA, temporary  
8 that will allow us to continue operation for 180 days,  
9 specific temporary -- I don't know.

10 JUDGE STEINBERG: It will come to you on your way  
11 home.

12 THE WITNESS: Tomorrow, it will come to me. I'm  
13 sorry, I don't --

14 JUDGE STEINBERG: And you can file an affidavit  
15 and reopen the record.

16 (Laughter.)

17 BY MR. DE JESUS:

18 Q When was it filed, if you recall?

19 A When was it filed?

20 When is this, September? I'm going to -- I  
21 believe in August.

22 Q Okay, and who discussed it with *you*?

23 A We had a conference call.

24 Q And who was part of that conference call?

25 A I can't tell you who exactly, but I can tell you

1 that we had a quorum.

2 Q Okay.

- 3 JUDGE STEINBERG: But it was partners?

4 THE WITNESS: Oh, yes, yes.

5 JUDGE STEINBERG: And the executive committee  
6 members?

7 THE WITNESS: Executive, yes. Definitely those  
8 three, Bob, Becky Jo and Terry, definitely those guys.

9 BY MR. DE JESUS:

10 Q And by "Bob," you mean Bob Bernstein?

11 A Bob Bernstein, yes, sir.

12 Q Are you aware of the fact that you recently filed  
13 a renewal for the New Mexico 3 license?

- 14 A Recently?

15 Q Yes.

16 A Define recently.

17 Q As of October 2000.

18 A Yes.

19 Q Okay. Do you know how it was filed?

20 A I don't understand.

21 Q Okay. Are you aware of anything regarding the  
22 request for stay for the New Mexico license?

23 A If that's that STA thing, yes. If it's not, I'm  
- 24 not aware. Well, I don't recall.

25 Q Now, let me ask you a question. You live in New

1 Jersey; is that correct?

2 A No, sir.

3 Q Where do you live now?

4 A I live in Virginia Beach.

5 Q Okay, Virginia Beach.

6 Now, did you know Mr. Terry Jones prior to the  
7 partnership, entering into the partnership?

8 A No, sir.

9 Q But you have come to know Mr. Jones, correct?

10 A Yes, sir.

11 Q Okay. How well do you know Mr. Jones now? Is he  
12 a friend or just a business acquaintance?

13 A Business acquaintance.

14 Q Okay. Have you been to his home?

15 A No, sir.

16 Q Or has he been to your home?

17 A No.

18 Q Okay. Now, recently has anyone contacted you  
19 regarding questions that were submitted by the FCC for your  
20 response.

21 JUDGE STEINBERG: In this case?

22 BY MR. DE JESUS:

23 Q In this case?

24 A The questions that were -- I'm sorry.

25 Q An interrogatory, has anyone approached you